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**UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/975,267	11/20/97	NITSCHKE	D GLT1598FUS(P

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IM31/1217

EXAMINER ROLLER, J
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ART UNIT 1731	PAPER NUMBER
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DATE MAILED: 12/17/98

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/975,267

Applicant(s)

Nitschke et al.

Examiner

Jacqueline Ruller

Group Art Unit

1731



☐ Responsive to communication(s) filed on \_\_\_\_\_.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-21 is/are pending in the application.

Of the above, claim(s) 17-21 is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1, 5, 13, 15, and 16 is/are rejected.

☒ Claim(s) 2-4, 6-12, and 14 is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-16, drawn to an apparatus for forming heated glass sheets, classified in class 65, subclass 273.
  - II. Claims 17-21, drawn to a method for forming a glass sheet, classified in class 65, subclass 102.
2. The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the apparatus as claimed can be used to practice another and materially different process such as for coating plastic sheets.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. During a telephone conversation with Mr. Kushman on 11/12/98 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-16.

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Affirmation of this election must be made by applicant in replying to this Office action.

Claims 17-21 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMaster (5,092,916) in view of Kubo et al. (5,445,508). McMaster teaches all that is recited except a lower mold support assembly to which the lower mold is transferred from the mold shuttle. Specifically, McMaster teaches a glass sheet heating furnace (14), an upper mold support (26), a lower mold shuttle (20), and alignment means (22 and 30) for

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the upper mold relative to the lower mold (See col. 3, lines 32, 54 and 61 and col. 4, line 15). Kubo et al. teach a vulcanizing mold setting apparatus comprising a mold carriage (49) for supporting the mold mount and transferring it to the lower heating plate (6) and a pair of mold supports (24) each with two clamping members (26)(a total of four clamping members; claim 5). Kubo et al. also teach a centering mechanism for centering the mold on the lower heating plate (col. 3, lines 46-68). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to substitute the mold carriage and mold supports of Kubo et al. for the shuttle of McMaster so that once the shuttle delivers the mold to the forming area, it is free to move out of the way of operation thus increasing the life of the shuttle or leaving it free to perform another task.

8. Claims 13 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over McMaster in view of Kubo et al. as applied to claim 1 above, and further in view of McMaster et al. (4,470,838). McMaster in view of Kubo et al. teach all that is recited in claim 16 except the quenching station. McMaster et al. (4,470,838) teach a quenching station with upper and lower blastheads (18 and 20) with quench gas feeding through them. A bent glass sheet is moved on a open center ring type mold by a shuttle from the molding station to the quench station between the blastheads (col. 4, lines 36-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to add the quenching station of McMaster et al. (4,470,838) to the apparatus of

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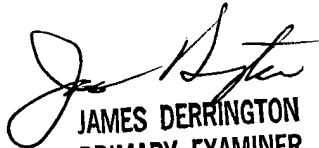
McMaster to provide quenching capability along with the molding apparatus to improve the efficiency of the process of making glass sheets.

9. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over McMaster in view of Kubo et al. in view of McMaster et al. as applied to claims 13 above, and further in view of Austin. McMaster, Kubo et al., and McMaster et al. teach all that is recited in claim 15 except a railway having a pair of spaced rails. Austin teaches an apparatus for forming workpieces that includes carts for carrying the dies(molds) and parallel tracks along which the carts ride (col. 5, lines 31-42). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a railway system of Austin to efficiently move the shuttle of McMaster.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacqueline Ruller whose telephone number is (703) 308-0316. The examiner can normally be reached on Monday, Tuesday and Thursday from 6:30 am to 5:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman can be reached on (703) 308-3837. The fax phone number for this Group is (703) 305-7115.

JAR

December 10, 1998

  
JAMES DERRINGTON  
PRIMARY EXAMINER  
ART UNIT 137-1731